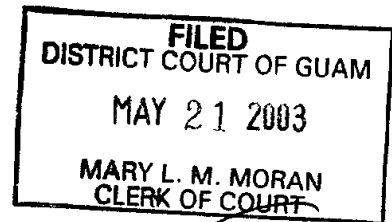


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Continental Micronesia, Inc.  
dba Continental Micronesia  
and Continental Airlines, Inc.



IN THE DISTRICT COURT FOR GUAM

TONY H. ASHTIANI,	)	CIVIL CASE NO. CIV02-00032
	)	
Plaintiff,	)	
vs.	)	<del>DEFENDANTS'</del>
	)	<b>SCHEDULING ORDER AND</b>
CONTINENTAL MICRONESIA, INC.	)	<b>DISCOVERY PLAN</b>
dba CONTINENTAL MICRONESIA,	)	
and CONTINENTAL AIRLINES, INC.	)	
	)	
Defendant.	)	
_____	)	

**SCHEDULING ORDER**

Pursuant to Federal Rules of Civil Procedure 16 and 26(f) and District Court of Guam Local Rule of Practice 16.1, the parties hereby submit the following Scheduling Order.

1. The nature of the case.

Plaintiff has filed an Amended Complaint alleging wrongful termination on the basis of race and national origin, and retaliation. Plaintiff seeks reinstatement, damages for

emotional and intentional distress and mental anguish, compensatory and punitive damages, lost income, and attorneys fees. Defendant has answered and denied the allegations.

2. The posture of the case.

(a) The following motions are on file:

(i) Plaintiff's Motion to Seize Investigation, Intimidation, Harassment and Blackmail by the Defendant.

(ii) Plaintiff's Amended Motion to Seize Cover-Up in Postal Violation of EEOC Director in coordinated effort of Defendant's Counselors in Hawaii and Guam.

(b) The following motions have been resolved: None.

(c) The following formal discovery has been initiated: Plaintiff has received documents from the EEOC.

3. All Motions to add Parties and Claims shall be on or before June 12, 2003.

4. All Motions to Amend Pleadings shall be filed not later than July 9, 2003.

5. Status of discovery. The Discovery Plan, *infra*, is adopted by the parties.

6. The parties shall appear before the District Court on May 7, 2003 at 3:30 p.m.

for the Scheduling Conference.

7. The Discovery Cutoff (defined as the last day to file responses to Discovery) is October 1, 2003.

8. (a) The anticipated discovery motions are: unknown. All discovery motions shall be filed not later than October 8, 2003, and heard October 29, 2003.

(b) The anticipated dispositive motions are: possibly summary judgment

motions. All potentially dispositive motions shall be filed on or before November 21, 2003 and heard on or before December 12, 2003.

9. The prospects for settlement are unknown.

10. The Preliminary Pretrial Conference shall be held on March 1, 2004.

11. The Parties' Pretrial Materials, Discovery Materials, Witness Lists, Exhibit Lists and Designation of Discovery Responses shall be filed on or before March 8, 2004.

12. The Proposed Pretrial Order shall be filed on or before March 15, 2004.

13. The Final Pretrial Conference shall be held on March 15, 2004.

14. The trial shall begin on March 22, 2004.

15. The trial is a jury trial.

16. It is anticipated that it will take four days to try this case.

17. The names of the counsel are:

For Plaintiff: David Ledger, Esq. & Elyze McDonald, Esq.

For Defendant: Tony H. Ashtiani, pro se

18. The parties do wish to submit this to case to a settlement conference.

19. The parties present the following suggestions for shortening trial: none at this time.

20. The following issues will also affect the status or management of the case: none at this time.

### **DISCOVERY PLAN**

1. Depositions of lay witnesses may begin at once and be taken as needed.

The parties may call expert witnesses to testify.

2. Unless additional discovery is ordered by the Court, the parties may serve one set of interrogatories not to exceed 25 and one set of requests for admissions not to exceed 25. The parties may serve any number of requests for production of documents. Unless a shorter time is agreed to, all written discovery shall be served by a date as to afford the answering party the full response time permitted by the applicable rules prior to the Discovery Cutoff.

3. Disclosures and depositions.

a. The Initial Disclosures previously made pursuant to Fed. R. Civ. P. 26(a)(1) shall be supplemented not later than May 21, 2003.

b. Disclosure of expert testimony required under Fed. R. Civ. P. 26(a)(2) shall be made not later than August 1, 2003.

c. Subsequent designation of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2) shall be made not later than September 1, 2003.

d. Depositions of experts designated under Fed. R. Civ. P. 26(a)(2) and paragraph 3.b. above, shall be completed not later than the October 1, 2003 discovery cut-off stated above. Depositions of rebuttal experts, if any are designated under Fed. R. Civ. P. 26(a)(2) and paragraph c. above, shall be completed not later than fourteen days after the discovery cutoff.

e. Rule 26(a)(3) disclosures shall be made not later than 30 days before trial.

4. The specific subjects on which discovery will be needed are:

- a. Plaintiff's allegation of wrongful termination;
- b. Plaintiff's allegation of retaliation;
- c. Plaintiff's allegation and calculation of damages, lost profits,

emotional and intentional distress and mental anguish;

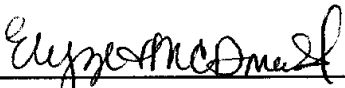
d. other subjects and issues as required.

5. Other than the 25 count limit on Interrogatories and Requests for Admissions, Plaintiff does not anticipate requiring any other changes or limitations on discovery as may be imposed under federal or Local Rules.

6. The discovery cut-off (defined as the last day to file responses to written discovery) is October 1, 2003. Depositions may be taken until the cutoff date and as provided above in paragraphs 3 and 4.

Dated this 30<sup>th</sup> day of April 2003.

CARLSMITH BALL LLP

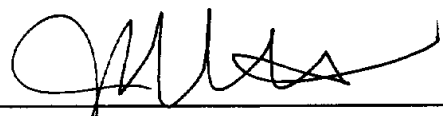
  
\_\_\_\_\_  
DAVID LEDGER  
ELYZE MCDONALD  
Attorneys for Defendant  
Continental Micronesia, Inc. dba Continental  
Micronesia and Continental Airlines, Inc.

Dated this 30<sup>th</sup> day of April 2003.

TONY ASHTIANI, PRO SE

\_\_\_\_\_  
TONY ASHTIANI, PRO SE  
Plaintiff

SO ORDERED this MAY 21 2003.

  
\_\_\_\_\_  
JOHN S. UNPINGCO  
Chief Judge, District Court of Guam

